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Portugal at UN Decol. Committee

Statement by Mr. Rui Quartin Santos, Representative of Portugal, on the Question of East Timor

Delivered before the Special Committee on the Situation to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New York, July 13th, 1994

Mr. Chairman,

Allow me to begin by saluting you, Sir, and all the distinguished members of this Special Committee, and by recalling the significant contribution that this body has made over the last three decades to the successful role played by the United Nations in bringing about self-determination and independence for the overwhelming majority of the colonial countries and peoples throughout the world.

Even now, when that task seems near to completion, it is important to underline that the principles and rules which have presided over it are still valid and are applicable to the few remaining non-self-governing territories. The United Nations cannot, in particular, turn a blind eye to those cases in which the blatant disregard for those rules and principles has led to a most regrettable situation of repression and human rights abuses.

Portugal, in its capacity of administering power of the non-self-governing territory of East Timor, has as much as possible always cooperated with this Special Committee, despite the obvious limitations stemming from the fact that it has been hitherto "de facto" prevented from exercising effectively the responsibilities incumbent upon it.

The task of the Special Committee regarding the question of East Timor is underlined, in particular, by operative paragraph 2 of the General Assembly's resolution 37/30, in which the Committee is requested: "to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General with a view to facilitating the implementation of the present resolution."

Mr. Chairman,

Last year, the Committee's meeting devoted to the question of East Timor took place in the aftermath of the adoption by the UN Commission on Human Rights of its resolution 1993/97 on the situation of human rights in East Timor and of the sentencing of the East Timorese leader Xanana Gusmao to life imprisonment by an Indonesian court in Dili, charged with "rebellion" and "separatism" for his opposition to Indonesia's illegal takeover of his country. On the other hand, and under the auspices of the Secretary-General, the Ministers of Foreign Affairs of Portugal and Indonesia had held in Rome their second meeting. Political talks were thus proceeding against a background of continuing human rights concerns and unabated repression.

Portugal fully shares the Secretary-General's assertion, as contained in the last progress report he submitted to the General Assembly (doc. A/48/418x 20/9/93): "Equally important and intrinsically linked to the peace process is the human rights situation in East Timor. The improvement of the conditions in East Timor is sine qua non to progress in the Talks."

In the light of this remark and precisely one year after our last meeting on this issue, it is time to make an assessment of the political process on motion concerning this issue, on the one hand; and, on the other, to determine how things have evolved in East Timor, specially in the human rights field.

Shortly afterwards, on August 20, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1993/12. The Indonesian authorities were thereby urged to implement fully the 1992 and 1993 decisions of the Commission on Human Rights, while the Sub-Committee expressed its "deepest concern, at reports of continuing violations of human rights in East Timor." The Sub-Committee remained seized of the issue and will consider it further at its next session, due to take place during the next month of August.

In the following month, the Ministers of Foreign Affairs of Portugal and Indonesia met in New York with the Secretary-General for their third round of talks aimed at achieving a just, comprehensive and internationally acceptable settlement to the question of East Timor. The importance of the promotion of respect for human

rights, in all their indivisible aspects, and fundamental freedoms in East Timor was recognized, as well as that of the implementation of the provisions adopted by the Commission on Human Rights by consensus, on March 1992. Special relevance was attached to the furthering of access to East Timor by the United Nations and humanitarian and human rights organizations. The improvement of the atmosphere of dialogue between the parties; the envisaging of contacts to be carried out by the Secretary-General with whom he would deem useful to assist in tiu solution of the question; and the promotion of a balanced exchange of visits by journalists and personalities from both countries, were also contemplated.

The relevance of the human rights issues in this first "package" of confidence-building measures designed to start paving the way to address the substance of the question appears as quite evident. It is important to note that Indonesia has hereby expressly reiterated the commitments it had undertaken, before the Commission on Human Rights, to take concrete steps to improve the situation prevailing in East Timor.

The Commission on Human Rights met again in late January 1994. It took up the question of East Timor having before it a report of the Secretary-General and reports emanating from its Special Rapporteurs on the questions of torture and of extrajudicial, summary or arbitrary executions, as well as reports by its Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances. Paragraph ... of the Secretariat's working paper (doc.) describes the main provisions contained in the consensus statement adopted by the Commission on 9 March.

Besides reiterating its concern over the continuing allegations of human rights violations in East Timor, the statement dedicates a good number of its provisions to calling again on Indonesia to carry out those which had been adopted in the 1992 and 1993 CHR decisions regarding the 12 November 1991 shooting in which scores of East Timorese civilians were gunned down by the Indonesian military. This implied that two years later, the Commission considered that most of those provisions were still to be implemented, in spite of all the pledges made by the Indonesian authorities.

On the positive side it should be underlined that it was possible to reach a consensus this time as in 1992; that the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has been invited to visit the territory (the visit has just taken place and we are looking forward to its report); and that Indonesia committed itself also to address invitations to other relevant thematic Special Rapporteur and for working groups of the CHR to visit East Timor when necessary for the fulfillment of their duties.

The fourth round of talks under the Secretary-General's auspices took place in Geneva, on May S. As a general comment on its outcome, we should point out, in the first place, that the parties concentrated their efforts on consolidating and expanding the "confidence-building measures," whose need had been previously recognized. Special importance, in this context, was again attached to the human rights problem. The final communique contemplated the main points which had been the object of the Commission on Human Rights' decisions. Indonesia has, therefore, reinforced the commitments already undertaken regarding the improvement of the human rights situation prevailing in East Timor.

Special attention was also devoted in the Geneva meeting to the engagement of the East Timorese in this process of dialogue. Their interests, being the colonial people concerned in this question, are considered paramount by the Charter. The Ministers conveyed their appreciation to the Secretary-General in particular, for the dispatch of a mission, in January 1994, that carried out a number of contacts in Lisbon, Jakarta, Dili and Sidney, many of them with East Timorese leaders and personalities. Similar consultations and contacts will take place whenever the Secretary-General deems necessary.

But what may still be more important is the initiative taken by the Secretary-General to explore appropriate efforts to facilitate an all-inclusive East Timorese dialogue, to be encouraged as an important contribution to the on-going talks under his auspices. The Ministers of Portugal and Indonesia also stated their readiness to meet with, respectively, leading East Timorese supporters and opponents of integration.

Potentially significant steps forward were thus made towards involving the East Timorese in the search for a settlement to this question, in accordance with the principles of the Charter and of the relevant UN resolutions. It is now imperative that conditions be met allowing the Secretary-General to act effectively to promote an all-inclusive dialogue, in a credible and transparent manner, so that a genuine and useful contribution to his endeavours can be provided.

Mr. Chairman,

To make a balanced assessment of how the question of East Timor has evolved during these last twelve months it is now necessary to compare the words with the reality, to see whether the latter was positively influenced by the decisions adopted and the commitments undertaken, or not.

I regret to begin this task by saying that my delegation is quite disappointed-by the lack of substantive and clear progress in redressing the human rights situation in East Timor. The positive developments recorded have been too limited in number and in scope and are therefore undoubtedly insufficient.

The Indonesian authorities have failed so far to provide sufficient information about the fate and identity of those killed and of the overwhelming majority of those still unaccounted for after the Santa Cruz killings. Bishop Belo, the apostolic administrator of Dili, said in an interview (14/9/93), that people involved in the 12 November demonstration were still seeking refuge in villages, fearing retribution from the military authorities, and that many families were still waiting for their children's bodies to bury. Disturbing accusations were recently made about the fate that a number of wounded people taken to the military hospital in Dili after the shooting, would have met. It is therefore the more imperative that all the circumstances surrounding the matter be duly investigated.

The invitation addressed to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit East Timor is welcome and it is expected that the recent visit he has paid to the territory will contribute to shed light on this most horrifying episode. The cooperation that the Indonesian Government has extended to the UN Working Group on Enforced or Involuntary Disappearances is a positive sign, but has unfortunately, failed to bear significant fruits.

The military and police personnel responsible for the shameful episode of the Santa Cruz cemetery have not yet been brought to justice, and the absurd discrepancy in the sentencing of soldiers and peaceful civilian demonstrators has not been redressed. Those convicted for nonviolent activities have yet to be released. In addition, five young East Timorese who demonstrated peacefully in April this year, in Dili, on the occasion of a visit made by foreign journalists, were arrested and recently sentenced (2 of them to 3 years in prison and the other 3 to 20 months). Amnesty International made an appeal last May in favour of 11 East Timorese detained for non-violent political activities.

Whereas the Portuguese Government reacted positively to the authorization granted to leave Indonesia to the seven young East-Timorese who had sought diplomatic asylum, in June 1993, in the Swedish and Finnish Embassies in Jakarta, considering it as a contribution to create a more favourable atmosphere for our dialogue, we must now, however, express our dismay at these repressive actions, whose negative impact on the dialogue must be duly put on record.

The Portuguese delegation had the occasion, last year, to refer it length to the imprisonment and trial of the East Timorese leader Xanana Gusmao. I would like to add that we consider the reduction of his life term sentence to twenty years as not addressing the substantive issues at stake in this whole affair, appearing instead as a measure aimed at appeasing harsh international criticism over Mr. Gusmao's trial. The latter has lately denounced the conditions under which he was treated in prison, forced to choose a lawyer against his will and subjected to a trial which failed to meet internationally accepted standards of fairness. Lawyers from the Indonesian Legal Aid Institute have been prevented from meeting him. Visits by the ICRC although they have been resumed were banned for a period of time. Only a few days ago were his wife and children allowed to visit him.

Mr. Chairman,

My delegation views favourably the increased access to East Timor by the United Nations, CHR subsidiary bodies, journalists and parliamentarians. The Ministers in Geneva agreed that such access and visits should be continued and further expanded.

Nevertheless, and recognizing that some progress was made in this area, we regret that human rights organizations such as Amnesty International and Asia Watch have still not been able to visit the territory , and that the visits, according to most of the accounts, continue to be tightly monitored and controlled by the authorities. The population is strongly dissuaded from speaking to foreign visitors. Spontaneous contact with local people is rendered extremely difficult. In one particular case - that of the visit made last September by members of the Swedish Parliament - students with a reputation of being oppositional were either arrested before the arrival of the delegation or sent out of Dili, to prevent any contact or demonstrations.

Mr. Chairman,

In spite of some encouraging moves and the pledges made by Indonesia concerning the improvement of the human rights situation in East Timor, the latter appears to us as continuing to be extremely worrisome and worthy of close scrutiny by the international community and by relevant UN bodies, including this Special Committee.

Following the visit made to the territory, last April, by 26 foreign correspondents based in Jakarta, a number of articles and reports were released by some of the leading international media, which, with practically no exception, confirm that assertion.

It is, for example, extremely significant that an integration supporter like Mr. Florentino Sarmento, a member of the Indonesian Golkar Party and head of the leading non-governmental development agency in the territory, has said, as quoted by "The Sunday Telegraph" (4/17/94) that: "this is not an integration, this is a pure military occupation. East Timor is a conquered territory, living in a climate of threat, fear and war."

Announcements concerning the reduction of Indonesian armed forces stationed in East Timor have been met with skepticism by military attaches in Jakarta, who visited Dili in November 1993. The U.S. Department of State Human Rights Report 1993 says: "(...) In East Timor, where largely cosmetic changes in the force structure resulted in minimal reductions in troop presence (...)."

Mr. Sarmento is also quoted by France-Press as having said (2/18/94) that "it is hard to understand the purpose served by the presence of so many battalions when what we need is a political solution internationally acceptable."

Professor George Aditjondro, a well-known Indonesian scholar, in a research paper released in August last year, elaborates on the impact of the official transmigration programme and of the "flood of spontaneous migration from Indonesia" (to East Timor); on the monopolistic control of almost the entire economy of East Timor by an Indonesian Group (PT Batara Indra); and on the economic, social and cultural negative impact of the removal of population from the interior of the country to "guided villages" for mainly military purposes. He speaks also of the fostering of a "culture of violence" and of "intimidation" as a consequence of the war in East Timor.

Monsignor Belo does not give very encouraging signs either. In one Interview granted on September 23, 1993) he said the East Timorese live as if they were in a prison, under "permanent military pressure through vigilance." He added that people live in fear, being "afraid of retaliation of the military authorities, of interrogations, of being tortured and beaten."

More recently, to the French newspaper "La Croix" (5/29/1994), he said: "Sur le plan humain, rien ne sera regle an que les Timorais ne pourront pas s'exprimer librement sur leur avenir. Laissons les Timorais s'exprimer et nous verrons apres."

Mr. Chairman,

In the final communique of the 6 May Geneva meeting, it is said that the Ministers (of Portugal and Indonesia) reacted positively to the Secretary-General's appeal to exercise restraint on the issue of East Timor in the interest of maintaining a favourable atmosphere for further progress towards a comprehensive settlement of the question.

On our part we stand ready to continue to live up to our commitments. But "restraint" cannot be understood as a "one way street," as a unilateral obligation of silencing the persistence of unacceptable situations or abuses. Words must be followed by deeds, lest we be tempted to conclude that we are involved in an exercise aimed chiefly at buying time and at defusing growing international criticism over this issue. We deem it indispensable therefore that the constructive spirit that presided over the adoption of the last CHR consensus statement be followed by effective and unequivocal action on the part of the Indonesian authorities to redress the situation in East Timor.

Mr. Chairman,

In spite of the wide gap existing between the positions of Portugal and Indonesia on the substance of the question - that is, the completion of the decolonization process of East Timor - we firmly believe that there will be no substitute for a peaceful and negotiated settlement, with full respect, first and foremost, for the legitimate rights of its people, in accordance with the principles of the Charter and the International Law.

The passing of time and the unfolding of events in the territory, specially during these last years, have clearly shown that there will be no lasting and durable settlement to these problems based on repression or on the use of force over the East Timorese, but instead it will have to be based on the respect for their right to decide, in a free and valid manner, their own political future.

Portugal remains thus firmly committed to contributing to the on-going efforts under the auspices of the Secretary-General, hoping, that in a gradual but steady manner, the aforesaid gap will be bridged allowing for legality to be finally restored in East Timor, bringing to its people the long awaited peace and justice they are entitled to.